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ELECTRONICALLY FILED

Hon Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Mark Nordlicht, et al.,
16-Cr.-640 (BMC)

Dear Judge Cogan:

Mr. Shaked testified today that he invested in PPVA USA, a certain Platinum fund that matched the liquidity profile of his own fund, Shaked Opportunity Fund, and that it was critical to him that the funds in which he invested matched the liquidity profile of his own fund. We now have reason to believe that isn't true. Indeed, his own PPM for the Shaked Opportunity Fund, as introduced in part (nine pages) into evidence earlier today, has a summary page that fails to mention redemptions payable in kind and, based on that omission, we believe that his testimony was materially incorrect. Specifically, redemptions were in fact not able to be paid in kind by Shaked Opportunity Fund, as opposed to PPVA USA. Because the Court ruled that the defense is not entitled to that full document, there is no effective way to cross examine on the point, and we ask the Court respectfully to strike that portion of Mr. Shaked's testimony in which he asserts that the Platinum fund's liquidity matching that of his own fund was a reason that he invested.

Respectfully submitted,



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cc: All parties (via ECF)